

**Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
September 11, 2007 6:30 p.m.**

Mayor Lois called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. Mayor Lois asked for a moment of silence for the fire and rescue workers and all of the people involved in the September 11 tragedy. This was followed by roll call: Commissioners John Thate, Darrel Eisenhardt, Bob Schulte, Bob Henney Tom Vos, John Lynch Jr. and Town of Burlington Representative Phil Peterson. Also present were: Interim Administrator Mark Morien; Alderman Katie Simenson; Building Inspector, Patrick Scherrer and Patrick Meehan of Meehan & Company, Inc.

APPROVAL OF MINUTES

Commissioner Schulte moved and Commissioner Thate seconded to approve the minutes of August 14, 2007. All were in favor and the motion carried.

Citizen Comments – None.

PUBLIC HEARINGS

- 1. A public hearing to consider a Conditional Use Application from Jamal S. Sheikh for property located at 416 Milwaukee Avenue to sell used cars.**

Mayor Lois opened the public hearing at 6:32 p.m.

There were no comments.

Commissioner Vos moved and Commissioner Lynch seconded to close the public hearing. All were in favor and the motion carried. The public hearing was closed at 6:33 p.m.

- 2. A public hearing to consider a Conditional Use Application from RFD II, LLC for property located at 32435 Yahnke Road for use as a borrow pit for aggregate materials for the Bypass Project with the WI D.O.T.**

Mayor Lois opened the public hearing at 6:33 p.m.

Mr. Jerry Fettes, 32455 Yahnke Road, Town of Burlington, questioned how many trucks would be coming in and out of Yahnke.

Mayor Lois noted that this question would be answered during the presentation later in the meeting.

Commissioner Eisenhardt moved and Commissioner Vos seconded to close the public hearing. All were in favor and the motion carried. The public hearing was closed at 6:34 p.m.

OLD BUSINESS

None.

NEW BUSINESS

1. **Consideration to approve a Conditional Use application and Site Plan application from Jamal S. Sheikh for property located at 416 Milwaukee Avenue, subject to Patrick Meehan's August 31, 2007 memorandum to the Plan Commission.**

Mayor Lois opened this issue for discussion.

Commissioner Henney questioned if the variety of sales in the building (i.e. liquor, tobacco, gas and vehicles) would be separate businesses. He also questioned who would be running the business. Building Inspector / Zoning Administrator Patrick Scherrer, stated that the business would still remain as one business, even with the variety of sales. He also noted that the same gentleman owns the business and would be on-site at all times. Mr. Patrick Meehan, Meehan & Company Inc., stated that the only thing that the Plan Commission could act on at this meeting was the auto sales as that is what the Conditional Use Application was for.

Commissioner Eishenhardt questioned how many vehicles were allowed to be sold on the site at one time. Mr. Scherrer indicated that only three cars would be allowed at once.

There were no further comments.

Commissioner Schulte moved and Commissioner Vos seconded to approve a Conditional Use application and Site Plan application from Jamal S. Sheikh for property located at 416 Milwaukee Avenue, subject to Patrick Meehan's August 31, 2007 memorandum to the Plan Commission as follows:

- That the Plan Commission hold a formal public hearing on the applicant's proposal following the requirements of Section 315-130 of the City Zoning Ordinance regarding "Conditional Use Permits."
- It is recommended that the Plan Commission approve the proposed Site Plan and Conditional Use for the subject property subject to the following conditions:
 - If any new lighting is proposed by the applicant for the proposed use at the subject property, Sections 315-137(25) and 315-26(P) of the City Zoning Ordinance indicate, in part, that a Lighting Plan meeting the following requirements must be submitted and have, at a minimum, the following elements:

- A catalog page, cut sheet, or photograph of the luminaire including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cut-off angles.
- A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
- A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels. This data has been submitted by the applicant.
- Exterior lighting in the B-1 District must be limited to total cut-off type luminaires (with angle greater than 90 degrees). The maximum permitted illumination must be two (2) footcandles (as measured at the property line) and the maximum permitted luminaire height shall be 28 feet as measured from surrounding grade to the bottom of the luminaire.
- Pursuant to the requirements of Section 315-137(C)(16) of the City Zoning Ordinance, stormwater management facilities (if any) and stormwater calculations (if required by the City Engineer) must be submitted and reviewed and approved by the City Engineer.
- Pursuant to the requirements of Section 315-137(C)(25) of the City Zoning Ordinance, if any new outdoor lighting is proposed, outdoor lighting data must be submitted to the City which indicates the location, type, and illumination level (in footcandles) of all proposed new outdoor lighting.
- Architectural plans, elevations, and perspective drawings and sketches are required to be submitted illustrating the design, character, materials, and dimensions of the structure. However, Meehan & Company, Inc. assumes that no changes are proposed to the architectural character of the exterior of the existing buildings and structures and that, therefore, no architectural plans need to be reviewed by the Plan Commission.
- Based upon the materials submitted by the applicant, it appears that there are no physical changes proposed for the existing paving on the subject property. If such changes are anticipated, all such changes must be indicated on a revised Site Plan submitted to the City.
- That there must be a maximum of one (1) person operating the facility at any given time.

- That there be a maximum total of three (3) automobiles to be for sale located on the premises and to be located under the existing covered parking canopy area located on the north side of the subject property.
- That the automotive services uses be limited to an automotive detailing shop (for detailing used vehicles) to be located within the existing building wing also located on the north side of the subject property and contiguous to the existing covered parking canopy area located on the north side of the subject property.
- Any other conditions required by the Plan Commission and/or City Engineer.

All were in favor and the motion carried.

2. Consideration to approve a Conditional Use application and Site Plan from RFD II, LLC for property located at 32435 Yahnke Road, subject to Patrick Meehan's August 31, 2007 memorandum to the Plan Commission.

Mayor Lois opened this issue for discussion.

Mr. Ray Leffler, Landcraft Engineering & Surveying, Inc. and Mr. Jim Peterson, Peterson and Sons, Inc. were present at this evening's meeting to give an overview of the property and answer any questions the Commission had. Mr. Leffler explained that the borrow pit would be located on 35 acres of land on Yahnke Road, just north of the existing farm buildings. Mr. Peterson explained that the DOT has been searching for material for the Bypass project which this site has. He noted that they would be hauling this material off of the site by using Yahnke Road and they would repair the potholes that are currently there before starting this project. Mr. Meehan wanted to clarify that the materials that are being removed would have been removed for the subdivision development in the future. Mr. Peterson noted this was correct and that they would not be removing any more material than was originally planned for to create the subdivision. He also noted that they have a State Erosion Control plan in place which would be going before the DNR and DOT for approval next week.

Mr. Jerry Fettes, 32455 Yahnke Road, Town of Burlington questioned how many trucks would be going down Yahnke Road. Mr. Peterson stated that there would be a substantial number of trucks going down the road as there is approximately 150,000 cubic yards of material to remove from the site. Mr. Peterson noted that with the large number of truck traveling down the road there would be a dust control policy in place. Mr. Fettes also questioned if the swamp land would be filled in. Mr. Peterson stated that they would not be filling in the swamp.

Commissioner Vos wanted to clarify that the trucks would be coming out of the site and heading east only. Mr. Peterson stated that was correct.

Ms. Barb Bashis, 33301 Yahnke Road, Town of Burlington, questioned who would be maintaining the road because of all of the additional truck traffic. Mr. Peterson stated that they would be taking care of the repairs. Ms. Bashis also questioned what kind of dust control there would be. Mr. Peterson explained that they would be keeping the road watered down to control the dust. Ms. Bashis also voiced her concern with the trucks entering and leaving the Schaefer driveway, because with all of the curves along Yahnke Road. She questioned whether someone would be monitoring the area to prevent accidents due to people not seeing the trucks. Mr. Peterson stated that the area has not been analyzed, however if it becomes a safety hazard it would be corrected. He also noted that a "Trucks Entering" sign would be installed to warn drivers.

Mr. Jeff Cramer, 32810 Yahnke Road, Town of Burlington questioned where exactly the material that is being removed is going. Mr. Peterson explained that the material would be used for areas included in the first phase of the Bypass project (Brever Road, Ketterhagen Road and Hwy 83).

Commissioner Eisenhardt questioned when the borrow pit would begin. Mr. Peterson stated it would begin in October of this year.

Alderman Simenson, 321 Travellers Run, City of Burlington, questioned if the land that is being excavated would all be farm land. Mr. Leffler explained that most of the area is a natural grassy area with some in active agricultural use. Alderman Simenson questioned if any trees would be coming down because of this project that wouldn't have with the proposed subdivision development. Mr. Leffler stated that this area that is being disturbed would have been disturbed with the development process for the subdivision. Mr. Leffler also clarified that this area is not in the Environmental Corridor.

Mr. Peterson commented that these types of materials would be needed throughout the Bypass project, so the closer that the materials are to the necessary areas, the better it is for the community to save money and time.

Ms. Bashis questioned how long this project would last. She also questioned if the Scherrer Construction back lot to the furthest barn on the Schaefer farm could be another alternative route instead of constantly using Yahnke Road. Mr. Peterson stated that this process would go into the summer 2008. Mayor Lois stated that the questioned route would not work, as those lands are in the Environmental Corridor and is surrounded by wetlands.

There were no further comments.

Commissioner Vos moved and Commissioner Lynch seconded to approve a Conditional Use application and Site Plan from RFD II, LLC for property located at 32435 Yahnke Road, subject to Patrick Meehan's August 31, 2007 memorandum to the Plan Commission as follows:

- That the Plan Commission hold a formal public hearing on the applicant's proposal following the requirements of Section 315-130 of the City Zoning Ordinance regarding "Conditional Use Permits."

- It is recommended that the Conditional Use Permit for the subject property be granted by the Plan Commission subject to a maximum borrow pit area of 35 acres; the submission to the City staff of the following documents as required under the requirements of Sections 315-15(C)(10) and 315-34G of Chapter 315, Zoning, of the City of Burlington Municipal Code including the submission of a list of equipment, machinery, and structures to be used at the borrowpit; the source, quantity, and disposition of water to be used at the borrowpit; the proposed access roads; the depth of all proposed excavations; and a restoration plan (including a final grading plan); and the submission to the City of all required financial sureties which will enable the City to perform the planned restoration of the site in the event of default by the applicant. In addition, pursuant to the requirements of Section 315-137(C)(16) of the City Zoning Ordinance, stormwater management facilities (if any) and stormwater calculations (if required by the City Engineer) must be submitted and reviewed and approved by the City Engineer. In addition, that the City Engineer review whether the subject property is located within a wellhead protection area and if it is, assure that appropriate measures are taken by the applicant to protect any such wellhead.
- Any other conditions required by the Plan Commission and/or City Engineer.

All were in favor and the motion carried.

3. Consideration to approve a Site Plan application from Carl and Bonnie Weis for property located at 204 Front Street to construct a vehicle storage building, subject to Kapur and Associate's August 29, 2007 memorandum and Patrick Meehan's August 31, 2007 memorandum to the Plan Commission.

Mayor Lois opened this issue for discussion.

Commissioner Lynch questioned if the new building would match the existing buildings. Mr. Carl Weis, 204 Front Street indicated that it would.

Mr. Meehan noted that on page three, item D of his memo, he has indicated that the three spaces that are being added must be paved or a variance must be applied for. Mr. Weis stated that he would be paving the three additional spaces.

There were no further comments.

Commissioner Schulte moved and Commissioner Eisenhardt seconded to approve a Site Plan application from Carl and Bonnie Weis for property located at 204 Front Street to construct a vehicle storage building, subject to Kapur and Associate's August 29, 2007 memorandum and Patrick Meehan's August 31, 2007 memorandum to the Plan Commission as follows:

- The site plan must show abutting property zoning classifications.

- The site plan must give a general description of the proposed building.
- The site plan must show and label the building setback as per M-2 zoning (30' street, 25' rear and 10' side yard).
- The site plan must show existing and proposed grades or contours.
- The proposed storage building must be constructed to the east of the current building in the location of existing gravel. Applicability for stormwater management practices follows Ordinance 270-5 of the Burlington Code. The change in use of the existing area from gravel to rooftop will not generate an increase in runoff from the site. Stormwater detention will not be required.
- Pursuant to the requirements of Section 315-48(E), the proposed off-street parking and loading areas must be paved with either asphalt or concrete. Based upon the Site Plan submitted, it appears that these requirements have not been met since the entire parking lot is gravel. However, since the proposed new 4,800 square-foot warehousing (vehicle storage use) building use would only require 2.4 off-street parking spaces (that is, three paved spaces), only three of the 17 off-street parking spaces would need to be paved with asphalt or concrete and this needs to be indicated on a revised Site Plan and the revised Site Plan submitted to the City staff. Alternatively, the applicant can request a variance to this requirement from the Zoning Board of Appeals.
- Existing and proposed topography (or a site grading plan) must be indicated on the proposed Site Plan and a revised Site Plan submitted to the City Engineer for review.
- The height of the proposed building must be indicated on the proposed Site Plan and a revised Site Plan submitted to the City staff for review.
- Proposed sanitary sewers, storm sewers (if any), and watermain must be noted on the Site Plan and a revised Site Plan submitted to the City Engineer for review (if any new sanitary sewers, storm sewers, and water mains are proposed).
- Stormwater runoff associated with the proposed new use must be addressed including the provision of calculations and the indication of direction of flow. All such facilities need to meet the requirements of the City's stormwater management ordinance.
- Architectural plans and elevations indicating the design, character, materials, and dimensions of the proposed structure must be submitted to the City for the City Building Inspector's review.
- Since no outdoor lighting is indicated on the proposed Site Plan, Meehan & Company, Inc. assumes that there will be no outdoor lighting. If, however, any outdoor lighting is contemplated to serve the off-street parking lot, outdoor lighting data is required which indicates location, type,

and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site. It is recommended that total cut-off luminaires be used throughout the site meeting the requirements of Sections 315-137(C)(25) of the City Zoning Ordinance.

All were in favor and the motion carried.

- 4. Consideration to approve a Site Plan application from Stelling and Associates Architects, Ltd., agent for Burlington Cooperative Plus, Inc. for property located at 638 South Kane Street for the construction of a temporary grain storage bin, subject to Kapur and Associate's August 29, 2007 memorandum and Patrick Meehan's August 31, 2007 memorandum to the Plan Commission.**

Mayor Lois opened this issue for discussion.

Mr. Tom Stelling, Stelling & Associates was in attendance at the meeting to give a presentation on this item. Mr. Stelling explained to the Commission that the bin would be located on the northeast portion of the parcel and would be 225' in diameter, therefore storing up to 600,000 bushels of corn that could be shipped out.

Commissioner Lynch questioned if this would be a temporary building just for this year or is it temporary storage of corn until it goes out for processing. Mr. Stelling explained that this is not a building or a bin, rather it is a four foot high angled wall tarped-type structure which would have permanent walls, but would not always be full.

In order to address some of the stormwater management issues required by Kapur & Associates, they would be creating a bypass into a swale for the 100-year storms. They also knocked down a peak to take care of the run-off issues and would also be putting in a grass strip for water quality to please the DNR.

There were no further comments.

Commissioner Vos moved and Commissioner Lynch seconded to approve a Site Plan application from Stelling and Associates Architects, Ltd., agent for Burlington Cooperative Plus, Inc. for property located at 638 South Kane Street for the construction of a temporary grain storage bin, subject to Kapur and Associate's September 11, 2007 memorandum and Patrick Meehan's August 31, 2007 memorandum to the Plan Commission as follows:

- The proposed Temporary Grain Facility must be constructed adjacent to the most easterly grain bin on the property. The existing surface of the area consists of vegetated lawn and the Temporary Grain Facility must be located on the asphalt pad. The total acreage affected by the facility is 0.91 acre. Applicability for stormwater management practices follows Ordinance 270-5 of the Burlington Code is follows: 40,000 square-feet of impervious surface or at the City Engineer's discretion stormwater management practices may be required.

- It appears from the existing site plan provided and a field inspection of the site that a larger area of the site has been graded and filled with stone surrounding the bin. Stormwater management is therefore required. A complete stormwater management report meeting the requirements of Burlington City Code Chapter 270 must be submitted for review.
- Existing drainage patterns from the site discharge to the east of the property. An existing swale was in place to collect the drainage and route it offsite. The swale has been replaced with a concrete storm sewer pipe. Computations must be provided showing the sizing method and the effects of the existing swale to the proposed storm sewer.
- A wetland screening must be done on the drainage swale and the rear of the site, there is standing sedimentation water in the swale at the new storm sewer outfall. An energy dissipating device is required at the outfall.
- The total construction site is in excess of one acre. DNR NR-151 runoff management requires construction site performance standards be in place and an NOI permit being obtained.
- No topography, grading, erosion control, wetlands or site stabilization plans have been provided.
- Stormwater runoff associated with the proposed temporary grain storage bin must be addressed including the provision of calculations and the indication of direction of flow. All such facilities must meet the requirements of the City's stormwater management ordinance.
- Any additional architectural plans must be submitted to the City for the City Building Inspector.
- Since no outdoor lighting associated with the temporary grain storage bin is indicated on the Site Plan, it is assumed that there will not be any new outdoor lighting associated with the temporary grain storage bin.
- All grading, drainage, wetland, and site engineering issues must be subject to the review and approval of the City Engineer.

All were in favor and the motion carried.

5. **Recommendation to the Common Council to approve a Rezone application from Tim Licht and Janet Lapke for property located at 249 Milwaukee Avenue to rezone parcel from B-2, Central Business District to Rd-2, Two-Family Residence for use as a residence only subject to Patrick Meehan's August 31, 2007 memorandum to the Plan Commission.**

Mayor Lois opened this issue for discussion.

Mr. Meehan informed the applicants that they would have to apply for a variance regarding the lot width. He also noted that when applying for the

variance the applicants should note that the neighboring lots are the same dimensions as in the Rd-2 District.

Commissioner Lynch questioned what the reason was for the request to rezone the property. Mr. Tim Licht, 249 Milwaukee Avenue explained that because he is residing at this location and has no intention of ever putting a storefront in the building, he cannot get a decent fixed rate for his mortgage with the property listed commercial.

There were no further comments.

Commissioner Vos moved and Commissioner Henney seconded to recommend to the Common Council approval of a rezone application from Tim Licht and Janet Lapke for property located at 249 Milwaukee Avenue to rezone parcel from B-2, Central Business District to Rd-2, Two-Family Residence for use as a residence only subject to Patrick Meehan's August 31, 2007 memorandum to the Plan Commission as follows:

- The applicant must first obtain a variance to the minimum lot area and minimum lot width requirements of the Rd-2 Two-Family Residence District.

All were in favor and the motion carried.

- 6. Recommendation to the Common Council to approve an annexation request and permanent zoning submitted as Ordinance 1840(13) from the City of Burlington for property described as Outlot 1 of CSM 1946, located to the west of S. Pine Street adjacent the Burlington Manufacturing and Office Park.**

Mayor Lois opened this issue for discussion.

There were no comments.

Commissioner Henney moved and Commissioner Schulte seconded to recommend to the Common Council the approval of an annexation request and permanent zoning submitted as Ordinance 1840(13) from the City of Burlington for property described as Outlot 1 of CSM 1946, located to the west of S. Pine Street adjacent the Burlington Manufacturing and Office Park.

All were in favor and the motion carried.

- 7. Review of a Conditional Use Permit (CUP) for FCF Metal Salvage located at 680 Maryland Avenue originally issued on July 10, 2001 and last reviewed on September 4, 2004.**

Mayor Lois opened this issue for discussion.

There were no comments.

Commissioner Schulte moved and Commissioner Thate seconded to approve the CUP for FCF Metal Salvage for another three years. All were in favor and the motion carried.

OTHER MATTERS

None.

ADJOURNMENT

Commissioner Thate moved and Commissioner Henney seconded to adjourn the meeting at 7:11 p.m. All were in favor and the motion carried.

Adjourned at 7:11 p.m.

Recording Secretary – Angela M. Hansen

draft